



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 25, 2010**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, May 25, 2010, at 9:44 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Cynthia L. Tianti, Deputy County Attorney; Angela Schauweker, Management Analyst II, Office of the County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS**1. COMMUNITY HEALTH CARE NETWORK TWENTIETH ANNIVERSARY**
(9:44 a.m.)

Chairman Bulova announced that the Board meeting was beginning late following a reception to celebrate the twentieth anniversary of the Community Health Care Network.

(Note: Later in the meeting, the Board recognized the organization. See Clerk's Summary Item #9.)

2. MOMENT OF SILENCE (9:44 a.m.)

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Abdul Chadli, an 18 year-old who was killed outside the Government Center at Forum Drive and Lee Highway on Friday. She stated that his family resides in the City of Fairfax and that he was to graduate from Fairfax High School. Chairman Bulova also asked to keep in thoughts the other individual who died in that accident, Mr. Gary Thorne, of Manassas.

Supervisor Frey announced that two weeks ago a valuable member of the Canine Corps was lost, Thor Miller. Supervisor Frey stated that Thor was a volunteer, a long-time fixture at Station 21; and certified by the Virginia Department of Emergency Management as both a search and rescue and human remains detection dog, one of the few dogs so certified. Supervisor Frey noted that Thor was a member of the first Virginia Task Force One Urban Search and Rescue Unit and was on duty over the course of several weeks at the Pentagon after the September 11 tragedy. Supervisor Frey asked everyone to keep in thoughts the family of Blair Miller, his handler.

(NOTE: Later in the meeting, the Board announced the death of Mr. Dewey Bond. See Clerk's Summary Item #17.)

AGENDA ITEMS**3. CERTIFICATES OF RECOGNITION PRESENTED TO MR. KEN VU, MS. STEPHANIE SMITH, AND MR. BORIS AREVALO (SULLY DISTRICT)**
(9:47 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to Mr. Ken Vu, Ms. Stephanie Smith, and Mr. Boris Arevalo of the Cub Run ReCenter for saving the life of a five-year-old child. Supervisor Hudgins and others jointly seconded the motion.

The question was called on the motion and it carried by unanimous vote.

Ron Masten, Chief, Fire and Rescue Department, presented lifesaving awards to Ms. Smith, Mr. Arevalo, and Mr. Vu.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARGARET ANDINO AND MR. PAUL ANDINO (BRADDOCK DISTRICT)** (9:59 a.m.)

(BACs) Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to Ms. Margaret Andino and Mr. Paul Andino for 21 years of committed and dedicated service assisting residents as the Braddock District Water Authority representatives. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Smyth being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARIA HAYDEN (DRANESVILLE DISTRICT)** (10:08 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition presented to Ms. Maria Hayden for winning the Virginia all-around gymnastics title. Supervisor McKay seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ROBINSON SECONDARY SCHOOL LADY RAMS SWIM AND DIVE TEAM BRADDOCK DISTRICT)** (10:13 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to the Robinson Secondary School Lady Rams Swim Team for winning the 2010 Virginia AAA State Swim and Dive Championship for the second consecutive year. Supervisor Foust and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO SOPHIE CHASE, LAKE BRADDOCK SECONDARY SCHOOL (BRADDOCK DISTRICT)** (10:19 a.m.)

Supervisor Cook moved approval of the Certificate of Recognition presented to Ms. Sophie Chase for winning the 2010 Virginia AAA Northern Region Indoor Track and Field Championships for the girls 1600 and 3200 meter runs. Supervisor Gross seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING JUNE 3-6, 2010, AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY (BRADDOCK, LEE, AND SPRINGFIELD DISTRICTS)** (10:25 a.m.)

Supervisor McKay moved approval of the Proclamation to designate June 3-6, 2010, as "*Springfield Days*" in Fairfax County. Supervisor Cook, Supervisor Foust, and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

Tawny Hammond, representative, Springfield Days, advised the Board that the schedule of activities could be found online at: www.springfielddays.com.

9. **RESOLUTION OF CONGRATULATIONS PRESENTED TO THE COMMUNITY HEALTH CARE NETWORK** (10:41 a.m.)

Supervisor Smyth moved approval of the Resolution to congratulate the Community Health Care Network on its twentieth anniversary. Supervisor Foust, Supervisor Hudgins, and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

(Note: Earlier in the meeting, this item was mentioned. See Clerk's Summary Item #1.)

10. **10:30 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION ANNUAL REPORT** (10:57 a.m.)

Tim Fleming, Chief, Franconia Volunteer Fire Department; Chair, Volunteer Fire Commission, presented its annual report.

Discussion ensued concerning:

- Fundraising
- Mortgage payments
- Volunteers
- Increases in apparatus cost
- Proffers

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to work with Chief Fleming to provide additional information concerning:

- The decrease in fundraising
- The increase in equipment costs
- Budget issues

Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

EBE:ebe

11. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:17 a.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative.

ADVISORY PLANS EXAMINER BOARD

CONFIRMATIONS:

Supervisor Hyland moved confirmation of the following appointments:

- Mr. Henry G. Bibber as the Citizen Member Representative
- Mr. Paul B. Johnson as the Professional Engineer/Surveyor #2 Representative

Supervisor McKay seconded the motion, which carried by unanimous vote.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor Hudgins moved the reappointment of Mr. Francis C. Steinbauer as the Non-Profit Housing Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Farmer #3 Representative.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative.

ATHLETIC COUNCIL

The Board deferred the appointment of the Dranesville District Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Dranesville and Springfield District Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CITIZENS CORPS COUNCIL

Chairman Bulova moved the reappointment of Mr. Andrew S. Levy as the At-Large Chairman's Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Cook moved the reappointment of Mr. Robert Mizer as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Foust moved the reappointment of Mr. A. James Diehl as the Dranesville District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Adeel Mufti as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Ms. Glenda A. DeVinney as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Al Bornmann as the Mount Vernon District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Mason, Providence, Springfield, and the Sully District Representatives.

COMMISSION ON AGING

Supervisor Hudgins moved the reappointment of Ms. Lin Wagener as the Hunter Mill District Representative. Supervisor Foust and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor McKay asked unanimous consent that the Board direct the Clerk to ensure that the dates of Ms. Danielle Wight's service on the Commission on Aging is recorded accurately. Without objection, it was so ordered.

Supervisor McKay moved the appointment of Ms. Faviola Donato-Galindo as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Nazir Bhagat as the Mason District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Julie Bloom Ellis as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Religious Community Representative.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Mount Vernon District Representative.

CRIMINAL JUSTICE ADVISORY BOARD

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Dorothy Cousineau as the League of Women Voters Alternate Representative

Chairman Bulova seconded the motion, which carried by unanimous vote.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

The Board deferred the appointment of the At-Large #3 Citizen Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Smyth moved the appointment of Ms. Harriet M. Epstein as the Providence District Representative. Supervisor Foust seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Springfield and Sully District Representatives.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Bulova announced her intent to reappoint Ms. Jane Haycock Woods as the At-Large #2 Representative.

Supervisor Gross announced her intent to reappoint Ms. Susan Beeman as the Mason District Representative.

Supervisor Hyland announced his intent to reappoint Ms. Mattie Palmore as the Mount Vernon District Representative.

Supervisor Frey announced his intent to appoint Ms. Diane Tomasini Hofstadter as the Sully District Representative.

HEALTH SYSTEM AGENCY BOARD

The Board deferred the appointment of the Provider #2 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the At-Large #2 Chairman's Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY BOARD (ITPAC)**CONFIRMATION:**

Supervisor Foust moved confirmation of the following appointment:

- Mr. Luke Chung as the School Board Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the Mason and Providence District Representatives.

LIBRARY BOARD

Supervisor McKay moved the reappointment of Mr. Willard O. Jasper as the Lee District Representative. Chairman Bulova and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Providence District Representative.

ADDITIONAL BOARD MATTER12. **INTRODUCTION OF INTERNS (HUNTER MILL DISTRICT)** (11:26 a.m.)

Supervisor Hudgins introduced two interns in her office: Mr. Muhammad Yasin, who will be graduating from South Lakes High School and Mr. Max Rappoport who will be graduating from Flint Hill High School, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS13. **ADMINISTRATIVE ITEMS** (11:27 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF PROJECT W00400 (W4130) - FLORENCE LANE WALKWAY (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Project W00400 (W4130) - Florence Lane Walkway, Fund 307, Pedestrian Walkway Improvements.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

- (R) Approved the request that the following streets be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Stoddard Woods	Dranesville	Colby Crossing Way

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Falls Park (Jenkins Property)	Hunter Mill	Markell Court
Highgrove Estates Section 7	Lee	Willowfield Way (Route 8446)
Rebecca II Estates	Lee	Old Rolling Road (Route 803) [Additional Right-of- Way (ROW) Only]
Crandall Run Phase One and Two	Mount Vernon	Adam Chase Circle (Route 8335) Swans Creek Way Osprey Ridge Lane Hoes Road (Route 636) (Additional ROW Only) Hoes Road (Route 636) (Additional ROW Only)
Crandall Run Phase Three	Mount Vernon	Swans Creek Way (Route 10228) Hoes Road (Route 636) (Additional ROW Only)
Federal Realty Investment Trust (Safeway Pan Am Center)	Providence	Nutley Street (Route 10272) (Additional ROW Only)
CoxCom, Incorporated (Gallows Road)	Providence	Gallows Road (Route 650) (Additional ROW Only) Gallows Road (Route 650) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Ewell Property	Sully	Folkers Landing (Route 10151) John Ewell Court
Oak Hill Estates Section 5	Sully	Fawn Wood Lane (Route 10650) Thompson Road (Route 669) (Additional ROW Only)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON FLORENCE LANE, SHAFFER DRIVE, AND SCHOOL STREET, AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4 p.m.** to consider endorsing the inclusion of Florence Lane, Shaffer Drive, and School Street, between Telegraph Road and North Kings Highway, in the RTAP for a through truck traffic restriction.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE SIGNAL HILL COMMUNITY PARKING DISTRICT (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to consider expanding the Signal Hill CPD in accordance with current CPD restrictions.

ADMIN 5 – APPROVAL OF INSTALLATION OF MULTI-WAY STOP SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

Approved the installation of multi-way stop signs at Colfax Avenue and Reservoir Heights Avenue.

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (SULLY DISTRICT)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-Y10-4	T-Mobile Northeast LLC Antenna colocation on existing transmission tower 6296 Hunt Chase Court Sully District	July 29, 2010
FSA-57-1	T-Mobile Northeast LLC Additional equipment cabinets 12777 Fair Lakes Circle Sully District	July 30, 2010

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 22, 2010, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to adopt actions of the 2010 General Assembly.

ADMIN 8 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR A TEENAGE PREGNANCY PREVENTION GRANT

Authorized CRS to apply for and accept funding, if received, from DHHS in the amount of \$2.5 million for a Teenage Pregnancy Prevention grant to implement evidence-based programming designed to prevent teen pregnancy. No local cash match is required.

ADMIN 9 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) FOR A PROJECT LINKING ACTIONS FOR UNMET NEEDS IN CHILDREN’S HEALTH (LAUNCH) GRANT

Authorized CRS to apply for and accept funding, if received, from SAMHSA in the amount of \$3.25 million for a Project LAUNCH grant to implement a systemic community planning process and related services to promote the health and wellness of young children from birth to eight years of age. No local cash match is required.

14. **A-1 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS ADDING LANGUAGE PROHIBITING DISCRIMINATION BASED ON GENETIC INFORMATION (CHAPTERS 1, 7, 16, AND 17)** (11:28 a.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapters 1, 7, 16, and 17 of the Personnel Regulations.

15. **A-2 – AUTHORIZATION TO FILE A REQUEST FOR A WAIVER FROM FEDERAL SPECTRUM ALLOCATION RULES TO PERMIT THE COUNTY TO PROCEED WITH PLANNING FOR A COUNTYWIDE PUBLIC SAFETY WIRELESS BROADBAND NETWORK** (11:28 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to file a request to the Federal Communications Commission for a waiver from current radio frequency spectrum rules. The requested waiver will enable the County to proceed with planning, deployment, and operation of a wireless broadband network operating in the Public Safety broadband 700 MHz frequency spectrum in support of public safety and emergency support agencies’ operations.

16. **A-3 – AUTHORIZATION OF A FALL 2010 TRANSPORTATION BOND REFERENDUM** (11:29 a.m.)

(BOND)

(R)

Supervisor McKay moved that the Board:

- Adopt the proposed Resolution requesting the County Attorney to petition the Circuit Court to schedule a transportation bond referendum on November 2, 2010.
- Authorize the preparation and distribution of a brief plain language explanation of the bond question.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, regarding the source of funding for cost overruns.

The question was called on the motion, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

17. **A-4 – CONSUMER PROTECTION COMMISSION (CPC) REPORT ON RATES CHARGED BY WATER SYSTEMS SERVING COUNTY RESIDENTS** (11:32 a.m.)

(BACs) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the principles recommended by the CPC regarding the water utility service rates in the County. This motion was multiply seconded by Supervisor Hudgins, Supervisor Gross, and Supervisor Smyth.

Supervisor Foust announced the sudden death of Mr. Dewey Bond, the Dranesville District Representative to the Water Authority.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board refer the request from the McLean Citizens Association to staff to follow up with Fairfax Water and report its findings to the Board. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Discussion ensued, with input from John Fee, Chairman, CPC, and Michael Liberman, Director, Department of Cable Communications and Consumer Protection, regarding the report, the business practices included in the report, and who will benefit from the report.

Supervisor Hudgins acknowledged the presence in the Board Auditorium of Councilwoman Edythe Kelleher and Councilwoman Laurie DiRocco, from the Town of Vienna.

The question was called on the motion and it carried by unanimous vote.

18. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V09-39, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (MOUNT VERNON DISTRICT)** (11:43 a.m.)

The Board next considered an item contained in the Board Agenda dated May 25, 2010, announcing the Planning Commission's approval of Public Facilities Application 2232-V09-39. The Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Public Facilities Application 2232-V09-39 sought approval for a replacement vehicle maintenance facility at the site of the existing facility, 6900 Newington Road in Lorton, Tax Map 99-2 ((15)) 1; 99-4 ((1)) 17; portions of VDOT right-of-way on Tax Maps 99-2 and 99-4.

19. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-Y09-29, T-MOBILE NORTHEAST LLC (SULLY DISTRICT)** (11:44 a.m.)

The Board next considered an item contained in the Board Agenda dated May 25, 2010, announcing the Planning Commission's approval of Public Facilities Application 2232-Y09-29. The Commission noted that the application met the criteria of character, location, and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*. Public Facilities Application 2232-Y09-29 sought approval to construct a telecommunications facility consisting of a 120-foot flagpole monopole at EZ Storage, 3700 Centreville Road, Chantilly, Tax Map 34-4 ((12)) 1.

20. **I-3 – CONTRACT AWARD – FAIR OAKS POLICE AND FIRE/RESCUE STATION (SULLY DISTRICT)** (11:44 a.m.)

The Board next considered an item contained in the Board Agenda dated May 25, 2010, requesting authorization for staff to award a contract to Milestone Construction Services, Incorporated, in the amount of \$7,614,000 for the renovation and expansion of the Fair Oaks Police and Fire/Rescue Station, Project 009225, in Fund 312, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

21. **RECOGNITION OF NYSMITH SCHOOL ODYSSEY OF THE MIND TEAM** (11:44 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to invite representatives from the

Nysmith School Odyssey of the Mind winning team to appear before the Board to accept a certificate honoring their achievement. Without objection, it was so ordered.

22. **LETTER OF SUPPORT FOR I-95/395 HIGH OCCUPANCY TOLL (HOT) LANES PROJECT** (11:45 a.m.)

In a joint Board Matter with Supervisor Gross and Supervisor McKay, Chairman Bulova noted that the I-95/395 corridor is home to five major military sites that will soon experience extraordinary employment growth as a result of the Base Realignment and Closure (BRAC) Commission recommendations. The shifting of tens of thousands of positions from Metro-accessible sites to locations currently underserved by transit will significantly increase gridlock on the highways, major arterial routes, and neighborhood streets.

Chairman Bulova said that the I-95/395 HOT Lanes Project, which the Board has endorsed, will increase the capacity of the existing High Occupancy Vehicles (HOV) system and equip it to better connect HOV and transit service to these and other growing employment centers. The project will expand the existing HOV network, deliver new park and ride spaces, improve connectivity between major transit centers, and provide funding to support increased express bus service in the corridor. Dynamic toll pricing will be used to manage traffic levels and enable faster, more predictable travel. These improvements will be enabled through an innovative public-private partnership.

Chairman Bulova asserted that the I-95/395 HOT Lanes Project will also support the County and the region's economic recovery. A recent study by George Mason University suggests construction of the project could pump more than \$3 billion into the region's economy and support nearly 15,000 full-time equivalent jobs.

The County is working with the Virginia Department of Transportation and the project team to resolve concerns and outstanding issues associated with the project. While seeking resolution to these issues it is important that the project secure financing, so that it can move forward in a timely manner and help mitigate the traffic impacts of the BRAC activity in the corridor. It has recently come to the Board's attention that a critical piece of financing for the project is a request the Commonwealth of Virginia has made to secure credit assistance for the project through the Transportation Infrastructure Finance and Innovation Act (TIFIA).

With that background, Chairman Bulova moved that the Board endorse the draft letter to US Secretary of Transportation Ray LaHood in support of Virginia's TIFIA request. Supervisor McKay seconded the motion, which carried by unanimous vote.

23. **FUTURE STUDIES RELATED TO THE INTERCHANGE JUSTIFICATION REPORT (IJR) FOR INTERSTATE 395 AND SEMINARY ROAD ASSOCIATED WITH THE MARK CENTER**
(11:48 a.m.)

Chairman Bulova said that on January 12, 2010, the Board approved a letter to the Virginia Department of Transportation (VDOT) providing its comments on the IJR for the addition of direct access to the Base Realignment and Closure (BRAC) Washington Headquarters Service relocation to Alexandria's Mark Center property in the vicinity of Seminary Road. That letter stated the Board's preference at that time for a modified Alternative D, which provided a direct HOV/HOT/Transit link to the Mark Center property. The Board expressed its concern in that letter that without the completion of additional HOT/HOV capacity inside the Beltway and direct ramp access from I-395 into the Mark Center property, traffic that otherwise should be on I-395 will instead divert to other less desirable arterials, collectors, and neighborhood streets in the region.

Chairman Bulova noted that in the intervening months, all of the previously identified options have been eliminated by the City of Alexandria and/or VDOT from further consideration, including Alternative D. While Alternative D may have provided the best transportation solution, the County recognizes the Alexandria community's concerns over potential impacts to the Winkler Botanical Preserve. The City has now identified two new alternatives, F and G, for consideration which have the potential to provide much of the functionality of Alternative D.

Given the regional significance of the I-95/I-395 corridor and its impact on the functionality of the surrounding transportation system, Chairman Bulova asserted that it is imperative that access options which provide an opportunity to substantially improve transit and HOV access and interchange operations at Seminary Road be carried forward into the environmental review process.

Therefore, jointly with Supervisor Gross and Supervisor McKay, Chairman Bulova moved that the Board endorse the draft letter to be sent to the Alexandria City Council (and copied to VDOT) supporting the evaluation of Alternatives F and G and recommending that any alternative carried forward also include considerations for public transit access directly into the Mark Center property (i.e. access that would not require public transit from the I-395 HOV/HOT lanes to use Seminary Road to reach the Mark Center). Supervisor Gross and Supervisor McKay seconded the motion.

Following discussion regarding citizen meetings, coordination with the City of Alexandria, and the County's preferred site, the question was called on the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

24. **TESTIMONY FOR THE DRAFT FISCAL YEARS (FYs) 2011-2016 SIX-YEAR IMPROVEMENT PROGRAM (SYIP) PUBLIC HEARING** (11:59 a.m.)

Chairman Bulova stated that the Virginia Department of Transportation released its Draft Six-Year Interstate, Urban, Primary, and Transit Improvement Program for FYs 2011 through 2016 on May 19, 2010. By law, the Commonwealth Transportation Board (CTB) has the responsibility to hold public hearings this spring and adopt a final program based on the official revenue forecast by July 1, 2010. For Northern Virginia, the public hearing will be tomorrow evening, Wednesday, May 26, 2010, beginning at 6 p.m., at Fairfax City Hall.

Given the short time frame between the release of the Draft Six-Year Program and the date of the public hearing in Northern Virginia, staff reviewed the draft program and developed a short draft testimony for presentation at the public hearing tomorrow evening. That testimony was distributed to all Board Members.

Therefore, Chairman Bulova moved that the Board:

- Approve the draft testimony to Transportation Secretary Connaughton to be presented at the May 26, 2010, public hearing.
- Authorize the Chairman to present the Board's comments to the CTB at the SYIP hearing.

Supervisor McKay seconded the motion.

Discussion ensued regarding the:

- Paltry sum, which was determined to be \$1,989, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation.
- Lack of adequate funding.
- Preface testimony by the Chairman.
- Role of the CTB.

The question called on the motion, which carried by unanimous vote.

Anthony H. Griffin, County Executive, said that the letter will be copied to the Fairfax Delegation to the General Assembly as well as the Governor.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

(NOTE: Later in the meeting, the Board held a joint public hearing with VDOT on the Six-Year Construction Program. See Clerk's Summary Item #49.)

25. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE A. GROSS** (12:06 p.m.)

Supervisor Gross announced that she had no Board Matters to present today. She did note that she co-sponsored some that were presented by the Chairman.

26. **McLEAN COMMUNITY CENTER (MCC) ELECTIONS (DRANESVILLE DISTRICT)** (12:06 p.m.)

(APPTS) Supervisor Foust said that on Saturday, May 15, 2010, the MCC held elections for six positions on the MCC's Board of Directors including three adult 3-year terms, one adult 2-year term, one youth 1-year term for the Langley High School area, and one youth 1-year term for the McLean High School area. He distributed copies of the MCC's Elections and Nominations Committee's certification of the results of the election.

Pursuant to the Memorandum of Understanding between the Board of Supervisors and the Governing Board of the MCC dated February 8, 1984, Supervisor Foust said that the full results of the election shall be reported to the Board at its first meeting following the election. The Board of Supervisors, after determining that it is in the public interest to do so, shall appoint those persons receiving the highest number of votes to the MCC Governing Board.

Based on the results of the election, as certified by the MCC's Elections and Nominations Committee, Supervisor Foust moved that the Board find that it is in the public interest to appoint those persons receiving the highest number of votes in this election of Governing Board Members, and that the following individuals be appointed to the MCC:

- Adults - three year terms: Mr. Kevin Dent, Mr. Jay Howell, and Ms. Robin Walker
- Adult – two year term: Mr. Craig E. Richardson
- Youth - one year term - Langley High School area: Mr. Craig McKenzie
- Youth, one-year term - McLean High School area: Ms. Sun Park

Chairman Bulova seconded the motion and it carried by unanimous vote.

27. **COMPETITIVE SOURCING AND THE ECONOMIC ADVISORY COMMISSION (EAC)** (12:08 p.m.)

(BACs) Supervisor Foust said that staff and the Board are committed to providing County services and functions in the most efficient and effective manner possible at the lowest practical cost. In that regard, as part of the Fiscal Year (FY) 2012 Budget

Guidelines, the Board reiterated its commitment to outsourcing where practical to keep costs as low as possible and maintain the integrity and quality of County programs and functions. For many years the County has supported the concept of outsourcing as evidenced by the many millions of dollars of services and functions currently outsourced. The County Executive is reviewing County services and functions which are currently outsourced and developing a list of those services and functions. He added that later this fall the County Executive will present to the Budget Committee a summary list of services and functions.

Supervisor Foust said that the EAC is tasked with advising the Board on matters relating to economic development including measures to enhance the County's business and economic climate. Members of the commission have expressed an interest in the topic of competitive sourcing.

Therefore, Supervisor Foust moved that the Board:

- Reiterate its support of outsourcing as one tool to help keep the cost of County services and functions at the lowest level practical.
- Direct the County Executive to review and identify areas for further outsourcing opportunities as part of his development of the FY 2012 budget.
- Direct the County Executive to present to the EAC in fall 2010 his summary of current outsourced services and functions and share his thoughts with EAC on further outsourcing opportunities.

Supervisor Herrity and Chairman Bulova jointly seconded the motion.

Following a brief discussion on outsourcing, the question was called on the motion, and it carried by unanimous vote.

28. **PROCEDURE TO ALLOW GOLF CART USAGE ON DESIGNATED COMMUNITY ROADS (DRANESVILLE DISTRICT)** (12:11 p.m.)

Supervisor Foust said that the Cascades community includes over 6,000 homes, most of which are in Loudoun County. About 50 of those homes are located in the Dranesville District. Until recently, a section of the Cascades (The Estates) located in the County was under developer control.

Supervisor Foust explained that the Estates was developed and marketed as a golf course community and while the developer owned all the roads, the residents were allowed to drive golf carts on the streets, including to amenities such as the Estates community center and to the Trump National Golf Course. After the roads were turned over to the Virginia Department of Transportation, residents could not legally drive their carts on the streets.

Supervisor Foust said that Virginia Code Section 46.2-916.2 authorizes the governing body of any county, city, or town to authorize the operation of golf carts on designated public streets within its jurisdiction. The Cascades Community Association has requested that the County authorize the operation of golf carts on its community streets.

Supervisor Foust pointed out that Loudoun County recently adopted a procedure whereby a community may apply to the County for permission to operate golf carts on designated roads. The Cascades Community intends to apply under that procedure for permission to operate golf carts on the community streets located in Loudoun County.

Therefore, Supervisor Foust moved that the Board direct staff to investigate what procedure, if any, should be adopted by the County for authorizing golf cart usage on designated public streets and to report to the Board's Transportation Committee with recommendations. Chairman Bulova seconded the motion.

Discussion ensued regarding inter-jurisdictional issues and legal modes of transportation.

Supervisor McKay asked to amend the motion to broaden it to what is already allowed on State streets and whether the carts would be subject to the \$33 registration fee, and this was accepted.

Following discussion regarding criteria for allowing golf carts on streets and precedence, Supervisor Frey asked unanimous consent that the Board direct the County Attorney to render a legal opinion about possible liability issues regarding the proposed action for use of golf carts. Without objection, it was so ordered.

Following further discussion regarding golf cart lanes, golf carts in the Town of Colonial Beach, and a review of the procedures in Loudoun County, the question was called on the motion, as amended, and it carried by unanimous vote.

29. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA Q. SMYTH** (12:22 p.m.)

Supervisor Smyth announced that she had no Board Matters to present today.

30. **NEED FOR IMPROVEMENTS TO THE EXISTING FAIRFAX COUNTY PARKWAY RAMP FROM NORTHBOUND (NB) ROLLING ROAD TO NORTHBOUND/WESTBOUND (NB/WB) FAIRFAX COUNTY PARKWAY** (12:23 p.m.)

In a joint Board Matter with Supervisor Hyland and Supervisor McKay, Supervisor Herrity announced that funding is finally in place and construction is well underway for the final two mile section of the Fairfax County Parkway through the Engineering Proving Ground (EPG). One significant concern that

arose last month at the citizen's information meeting regarding Phase 3 of the project was that the existing tight one-lane ramp from NB Rolling Road to NB/WB Fairfax County Parkway will be undersized once the parkway is completed, replacing the two-lane Rolling Road.

Supervisor Herrity said that the three lanes of the parkway going north from Fort Belvoir, the new NGA building, and the Belvoir North area (formerly called EPG) will be forced to squeeze onto the existing single-lane loop ramp. An environmental assessment is underway, and preliminary indications are that the single-lane loop ramp will be woefully inadequate for the northbound traffic on the parkway.

Supervisor Herrity noted that Shirley Design/Build, LLC, the contractor that will be constructing this phase of the project, has proposed design changes that may save up to \$8 million over the original cost of this phase of the project. Should this alternative be built, the cost savings could potentially be used to help improve the existing one-lane ramp from Rolling Road to NB/WB 7100.

Therefore, because construction on this phase of the project is scheduled to begin this fall, and in light of the impending influx of people and traffic due to the Base Realignment and Closure (BRAC), Supervisor Herrity moved that the Board direct staff to quantify the problem and identify possible solutions and potential funding options. Supervisor McKay seconded the motion, which carried by unanimous vote.

PMH:pmh

31. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(12:27 p.m.)

Supervisor Frey announced that he had no Board Matters to present today.

32. **NO BOARD MATTERS FOR SUPERVISOR MCKAY (LEE DISTRICT)**
(12:27 p.m.)

Supervisor McKay announced that he had no Board Matters to present today.

33. **FINE ARTS FESTIVAL (HUNTER MILL DISTRICT)** (12:27 p.m.)

Supervisor Hudgins said that the Fine Arts Festival held at the Reston Town Center is becoming one of the best and largest on the East Coast. She noted that it is sponsored by Greater Reston Arts.

34. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MR. BEN PECK (HUNTER MILL DISTRICT)** (12:28 p.m.)

Supervisor Hudgins said that a Hunter Mill District original, Mr. Ben Peck, is retiring from the Friends of Frying Pan Farm Park Board. His experience with the park spans over 50 years.

Supervisor Hudgins referred to her written Board Matter which outlined Mr. Peck's accomplishments and moved that the Board direct staff to invite Mr. and Mrs. Peck to appear before the Board to be recognized for his achievements and long commitment to the County. Chairman Bulova seconded the motion and it carried by unanimous vote.

35. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. SHARON GREGG (HUNTER MILL DISTRICT)** (12:29 p.m.)

Supervisor Hudgins said Ms. Sharon Gregg will soon be celebrating her retirement from the County Schools after 26 years at Cunningham Park Elementary School in Vienna. Over the years, Ms. Gregg has educated and touched the lives of hundreds of first graders in Vienna.

Therefore, Supervisor Hudgins moved that the Board direct the Office of Public Affairs to prepare a certificate of recognition to be presented at the June 1 celebration commemorating Ms. Gregg's dedication to the youth and families of Fairfax County. Chairman Bulova seconded the motion and it carried by unanimous vote.

36. **HUNTER MILL MELODIES CONCERT SERIES (HUNTER MILL DISTRICT)** (12:30 p.m.)

Supervisor Hudgins announced the inaugural season of the Hunter Mill Melodies concert series, sponsored by her office and the Park Authority. A first for the Hunter Mill District, this series will run every Thursday evening through the summer at Frying Pan Farm Park in Herndon. Along with enjoying the talented musicians and artists, the farm will stay open late allowing families to partake in the farm's many features such as shopping at the Country Store, enjoying a horse drawn or tractor pulled hayride, and visiting the many farm animals.

In addition to the Thursday concerts, Hunter Mill Melodies also sponsors a Wednesday morning children's concert series held in conjunction with the Farmers Market at the Farm. She encouraged residents to bring their blankets and come out for an evening under the stars.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to aid in publicizing the concerts and related events. Without objection, it was so ordered.

37. **ROBINSON SECONDARY SCHOOL WOMEN'S CREW TEAM – VIRGINIA SCHOLASTIC ROWING ASSOCIATION CHAMPIONSHIP (BRADDOCK DISTRICT)** (12:31 p.m.)

Supervisor Cook announced that the women rowers of Robinson Secondary School were able to hold off a late sprint by National Cathedral and take first place in a highly competitive girls' first eight final, held this past weekend. Decided by just three one-hundredths of a second, it was a race so close officials had to use a frame-by-frame replay to determine the winner.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite members of the Robinson Women's Crew team to appear before the Board on June 22 to be recognized for their Virginia Scholastic Rowing Association Championship. Without objection, it was so ordered.

38. **CELEBRATING LAUREL RIDGE ELEMENTARY SCHOOL'S 40 YEARS IN THE COMMUNITY (BRADDOCK DISTRICT)** (12:32 p.m.)

Supervisor Cook announced that for 40 years Laurel Ridge Elementary School has been serving the Kings Park West community, preparing youth for future success in life and acting as a model for excellence in the County Public School system.

Supervisor Cook referred to his written Board Matter highlighting Laurel Ridge Elementary School's opportunities and programs. On Friday, June 4 the greater Laurel Ridge community will gather for a fortieth anniversary celebration to reflect on past successes and step forward toward another 40 years of greatness.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to:

- Publicize this event.
- Invite representatives from Laurel Ridge Elementary School to appear before the Board at its June 22 meeting to be recognized for their ceaseless dedication to children.

Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **SIXTEENTH SUMMER OF BRADDOCK NIGHTS (BRADDOCK DISTRICT)** (12:35 p.m.)

Supervisor Cook said that coming up is another season of music in the parks with the start of Braddock Nights. This series of FREE musical performances, held throughout the summer, presents a wide array of artists, from classical to bluegrass and everything in between. The atmosphere is informal and with free entertainment for the whole family.

Supervisor Cook encouraged residents to bring friends, food, children, and maybe a lawn chair or two and be ready for a fun and relaxing evening at the end of a long workweek. Starting June 4 and running through August 27, the concerts take place every Friday evening at Royal Lake and Lake Accotink Park, beginning at 7:30 p.m.

Supervisor Cook noted that Braddock Nights is an outstanding tradition that allows the community to come together and celebrate with each other an evening of entertainment and fellowship. It is a fantastic series of events that truly help strengthen neighborhood spirit.

Therefore, Supervisor Cook asked unanimous consent that the Board direct the Office of Public Affairs to publicize these events. Without objection, it was so ordered.

40. **COMMERCIAL SIGNS ON YOUTH ATHLETIC FIELDS** (12:36 p.m.)

Supervisor Hyland said that behind the scenes, every youth athletic league faces significant costs to equip their players and maintain their fields. To help raise revenues, many leagues offer sponsorships to local businesses that proudly put their names on league jerseys and affix banners to the outfield fences.

Supervisor Hyland noted that the Park Authority occasionally informs leagues that the well-intentioned banners are violations of the sign ordinance and must be removed. Often, the Park Authority makes special accommodations until the season is over. However, this puts both Park Authority staff and league leadership in an awkward, occasionally adversarial, situation as the County seeks to balance the needs of the leagues against the restrictions in the ordinance.

As the Park Authority and Board discuss ways to adequately fund recreational facilities and natural spaces, Supervisor Hyland said that it is important to find a way to permit youth athletic leagues to temporarily advertise their sponsors so the children can continue to enjoy their sports.

Therefore, Supervisor Hyland moved that:

- The Board direct staff to determine if signs, displaying, depicting, or advertising names of businesses or persons who have donated to youth athletic leagues, can be exempted from the Zoning Ordinance during the league's season.
- Should an exemption be permissible, that the Board share staff's determination and discuss the possibility of an amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), with the Park Authority Board and also at an upcoming Development Process Committee meeting.

Supervisor Cook and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

41. **INTENT TO DEFER A PUBLIC HEARING AND A BOARD DECISION (DRANESVILLE AND MOUNT VERNON DISTRICTS)** (12:38 p.m.)

Supervisor Foust announced that the public hearing will be held on proposed Area Plans Review Items 08-III-7UP, 08-III-11UP, and 08-III-12UP located north of the Dulles Toll Road and east of the Fairfax County and Loudoun County Boundary, but Board decision will be deferred.

Supervisor Hyland announced that later in the meeting, at the appropriate time, the public hearing on Special Exception Application SE 2009-MV-025 will be deferred.

(NOTE: Later in the meeting, action was taken regarding these items. See Clerk's Summary Items #46 and #51.)

42. **RECESS/CLOSED SESSION** (12:40 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. *Adrienne Pavelko v. City of Fairfax and County of Fairfax*, CL-2010-00004464 (Fx. Co. Cir. Ct.)
 2. *Falls Church Construction Corporation v. Fairfax County Redevelopment and Housing Authority and FCRHA Olley Glen LP*, CL- 2010-0000873 (Fx. Co. Cir. Ct.) (Braddock District)
 3. *Gary Pisner v. Board of Supervisors of Fairfax County, Enhanced Code Enforcement Strike Team, and Blight Abatement Review Committee*, Case No. CL-2010-0004076 (Fx. Co. Cir. Ct.) (Springfield District)

4. *Surety Trustees, LLC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0003934 (Fx. Co. Cir. Ct.) (Sully District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walid Aboroomi*, Case No. CL-2009-0015135 (Fx. Co. Cir. Ct.) (Mason District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gary C. Smith and Carolyn W. Smith, Trustees of the Smith Living Trust*, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selso Rodriguez*, Case No. CL-2009-0015532 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Brenda M. Hunt*, Case No. CL-2009-0017027 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John Y. C. Wang, a/k/a John V. Wang, Trustee of the John Y. C. and Wan-Shi Wang Living Trust, Wan-Shi Wang, a/k/a Wan S. Wang, Trustee of the John Y.C. and Wan-Shi Wang Living Trust, John Y. C. Wang, a/k/a John Y. Wang, Individually, and Wan-Shi Wang, a/k/a Wan S. Wang, Individually*, Case No. CL-2009-0015056 (Fx. Co. Cir. Ct.) (Lee District)

11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruth S. Wong*, Case No. CL-2010-0005963 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr*, Case No. CL-2010-0006141 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team/BNV Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stephen C. Stallings*, Case No. CL-2010-0006143 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Ramirez and Noemy Ramirez*, Case No. CL-2010-0006225 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. EP Company, LC, a/k/a E.P. Mowing and Landscaping, Inc.*, Case No. CL-2010-0006228 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Naheed Amir*, Case No. CL-2010-0006224 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Penn Daw Properties, L.L.P.*, Case No. CL- 2010-0006498 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Rockenbach, a/k/a, Richard Rockenback*, Case Nos. 10-0007759 and 10-0007760 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case No. CL-2010-0001427 (Fx. Co. Cir. Ct.) (Hunter Mill District)

20. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Margaret L. Harrison*, Case No. 10-0008977 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Memorial Venture, LLC*, Case Nos. 10-0010997 and 10-0010997 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Moreno and Angel R. Moreno*, Case Nos. 10-0011208 and 10-0011209 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

And in addition:

- Department of Public Works and Environmental Services Project at Tax Map Number 93-1 ((1)) Parcel 63A
- Discussion Under *Virginia Code* Section 2.2-3711-A (6)

Chairman Bulova seconded the motion and it carried by unanimous vote.

DAL:dal

At 3:42 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:42 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

44. **APPOINTMENT OF MR. JEFFREY BLACKFORD AS DIRECTOR OF THE DEPARTMENT OF CODE COMPLIANCE** (3:43 p.m.)

Supervisor Gross, as Chair of the Board's Personnel Committee, moved the appointment of Mr. Jeffrey Blackford to the position of Director of the Department of Code Compliance, a new department, Grade E-9, at a starting salary of \$142,756.52, effective June 7, 2010. Chairman Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

45. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2010-MA-001 (RADLEY MANAGEMENT, LLC AND RADLEY AUTOMOBILES, INCORPORATED) (MASON DISTRICT)** (3:44 p.m.)

(NOTE: On May 11, 2010, the Board deferred the public hearing on this item until May 25, 2010.)

The application property is located at 5908 Seminary Road, Tax Map 61-2 ((20)) 1.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed the following campaign contribution which she had received in excess of \$100 from:

- Ms. Karen C. Radley

Ms. Kelsey had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Application SE 2010-MA-001, subject to the development conditions dated April 21, 2010. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MV-025 (CEC ENTERTAINMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:53 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2009-MV-025 until **June 8, 2010, at 3:30 p.m.** Supervisor Frey

and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

47. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2008-MV-007
(JK INVESTMENTS, INCORPORATED) (MOUNT VERNON DISTRICT)**

AND

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 85-L-137 (JK INVESTMENTS, INCORPORATED) (MOUNT
VERNON DISTRICT) (3:54 p.m.)**

- (O) The application property is located in the northeast quadrant of the intersection of Richmond Highway and Old Mill Road at 8850 Richmond Highway, Tax Map 109-2 ((1)) 13A.

Mr. H. Kendrick Sanders reaffirmed the validity of the affidavit for the record.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Discussion ensued, with input from Mr. Williams, regarding the development conditions and the location of the bus shelter.

Mr. Sanders had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from Mr. Sanders, regarding the Southeast Fairfax Development Corporation's lease agreement.

Following the public hearing, Mr. Williams presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2008-MV-007, be amended from the R-2, C-8, CRD, HC, and HD Districts to the C-8, HC, and HD Districts, subject to the proffers dated May 17, 2010.
- Approval of Special Exception Amendment Application SEA 85-L-137, subject to the development conditions dated May 5, 2010.

- Modification of the transitional screening requirement along the Old Mill Road frontage of the subject property to that shown on the GDP/SEA plat.
- Waiver of the barrier requirement along the Old Mill Road frontage of the subject property.
- Direction to the Department of Public Works and Environmental Services staff to return any site plan for the property to the Planning Commission for review and comment prior to approval.

Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hudgins being out of the room.

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-021 (ELM STREET COMMUNITIES, INCORPORATED) (PROVIDENCE DISTRICT)** (4:06 p.m.)

- (O) The application property is located in the southeast quadrant of the intersection of Cedar Lane and Amanda Place, Tax Map 49-1 ((1)) 35A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-PR-021, from the R-1 District to the PDH-3 District, and approval of the Conceptual Development Plan, subject to the proffers dated May 20, 2010. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Frey and Supervisor Hudgins being out of the room.

(NOTE: On April 14, 2010, the Planning Commission approved Final Development Plan Application FDP 2009-PR-021.)

49. **3:30 P.M. – JOINT PH ON THE PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2011 THROUGH 2016** (4:12 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the Six-Year Improvement Program. See Clerk's Summary Item #24.)

Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, introduced Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, VDOT, who announced that the Fair Lakes Interchange Project went to bid today, which represents a significant achievement. Mr. Siegel proceeded to present a brief summary of the VDOT Six-Year Secondary System Construction Program for FYs 2011–2016.

Discussion ensued, with input from Mr. Siegel and Mr. Biesiadny, regarding:

- Transportation funding
- The reallocation of previous funds
- The lack of funds for traffic calming measures and alternative ways to deal with it
- The Telegraph Road project

Supervisor McKay noted that he would revisit the issues regarding the Telegraph Road project with staff.

Discussion continued, with input from Eric Teitelmen, Chief, Capital Projects and Operations Division, DOT, who noted that applications for traffic calming measures will continue to be processed by staff even though there is no commitment for funding due to the lack of funds.

Supervisor Smyth suggested that the stockpile of temporary speed humps from projects such as the High Occupancy Toll (HOT) lanes project be utilized, if possible.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved approval of the Secondary System Construction Program for FYs 2011–2016. Supervisor Hyland seconded the motion.

Discussion ensued regarding funding for the Rolling Road project and the Route 7 project.

The question was called on the motion and it carried by unanimous vote.

50. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ARMFIELD FARM COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**
(4:45 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2010.

Janet Nguyen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Armfield Farm CPD, in accordance with current CPD restrictions. Supervisor Cook seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Herrity and Supervisor Hyland being out of the room.

51. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW ITEMS 08-III-7UP, 08-III-11UP, AND 08-III-12UP LOCATED NORTH OF THE DULLES TOLL ROAD AND EAST OF THE FAIRFAX COUNTY AND LOUDOUN COUNTY BOUNDARY (DRANESVILLE DISTRICT)** (4:56 p.m.)

(NOTE: On April 6, 2010, the Board deferred the public hearing on these items until May 25, 2010.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 6 and May 13, 2010.

Clara Johnson, Planner III, Department of Planning and Zoning, presented the staff report.

The public hearing was held and included testimony by five speakers. Following the testimony of Steven DeBenedittis, Mayor, Town of Herndon (Speaker One), discussion ensued regarding the application and comprehensive plan.

Ms. Johnson presented the staff and Planning Commission recommendations.

Following lengthy remarks regarding the project, Supervisor Foust moved to defer decision on APR Items 08-III-7UP, 08-III-11UP, and 08-III-12UP until **July 13, 2010, at 3:30 p.m.** Supervisor Hudgins and Supervisor Smyth jointly seconded the motion.

Following a brief discussion regarding the deferral, the question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

52. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2009-HM-019 (COMSTOCK RESTON STATION HOLDINGS, LC) (HUNTER MILL DISTRICT)** (5:35 p.m.)

(O) (NOTE: On April 27, 2010, the Board deferred the public hearing on this item until May 11, 2010. On May 11, 2010, the Board deferred the public hearing on this item until May 25, 2010.)

The application property Block 2 is located on the southwest quadrant of the intersection of Sunset Hills Road with Isaac Newton Square west and Block 1 is located in the northwest quadrant of the intersection of Wiehle Avenue and Dulles Airport Access Road, Tax Map 17-4 ((1)) 17A and 17-4 ((24)) 3.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed the following campaign contribution which he had received in excess of \$100 from:

- Martha Schar, Shareholder and Officer of Schar Holdings, Incorporated, and Member of Schar Holdings, LLC

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a description of the application and site location.

Discussion ensued, with input from Mr. O'Donnell, regarding the time of access to the plaza and affordable housing.

Mr. Tompkins had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by ten speakers, Mr. Tompkins presented rebuttal.

Chairman Bulova stated that she had items for the record.

Supervisor Hudgins submitted items for the record.

Mr. O'Donnell presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Richard Stevens, Dulles Rail Project Coordinator, Department of Transportation, regarding transportation issues.

Following lengthy remarks regarding the project, Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-HM-019, from the I-4 District to the PDC District, subject to the proffers dated May 17, 2010.
- Approval of Conceptual Development Plan Application CDP 2009-HM-019, subject to the development conditions dated May 24, 2010, with the following three additional development conditions:
 - Where feasible, the applicant will provide additional bicycle racks and storage in the commercial garage or in buildings for use by the patrons of the private development by demand. Locations for these facilities shall be determined jointly by the applicant and the County's Department of Transportation at the time of site plan submittals for the proposed phases of development.
 - *A minimum of one male or female shower facility shall be provided in each office building.
 - A minimum of 20 percent of all workforce units shall consist of two bedrooms or more.
- Waiver of the 75-foot setback requirement for nonresidential uses abutting principal arterial highways, as required in Section 2-414.1.B of the Fairfax County Zoning Ordinance.
- Modification of the loading requirement in favor of the loading spaces depicted on the CDP/FDP.
- *Direction to the director of the Department of Public Works and Environmental Services to waive Public Facilities Manual Section 6-0303.8 to locate underground stormwater management facilities in a residential area, subject to Waiver Number 2615-WPFM 002-1 conditions dated February 12, 2010.
- Modification of the transitional screening and waiver of the barrier requirements, in favor of that shown on the CDP/FDP.
- Modification of Section 17-201.4 of the Zoning Ordinance for the widening of Sunset Hills Road, in favor of that shown on the CDP/FDP and in the proffers.

- Modification of Section 16-102.1 of the Zoning Ordinance for yard regulations, setbacks, bulk regulations, and building heights in favor of that shown on the CDP/FDP.

*Following discussion, with input from Mr. O'Donnell, Supervisor Hudgins clarified the following portions of her motion:

- Bulleted item number five: **Approval of a waiver** to Public Facilities Manual Section 6-0303.8 to locate underground stormwater management facilities in a residential area, subject to Waiver Number 2615-WPFM 002-1 conditions dated February 12, 2010.
- Bulleted item number two, sub-bullet two: A minimum of one male **and one** female shower facility shall be provided in each office building.

Chairman Bulova seconded the motion.

Following a discussion regarding the project, the question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

(NOTE: On April 29, 2010, the Planning Commission approved FDP 2009-HM-019.)

53. **BOARD ADJOURNMENT** (7:10 p.m.)

The Board adjourned.

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